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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DOUGLAS GENE HALDERMAN,

Defendant.

CASE NO. 1:21-CR-00242-ADA-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for Status Conference on June 14, 2023.
2. By this stipulation, defendant now moves to continue the case and set a status conference on October 25, 2023, at 1:00 p.m., and to exclude time between June 14, 2023, and October 25, 2023, at 1:00 p.m., under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]. The parties will be prepared to set a trial date at the next status conference if the case is not resolved prior to that date.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes reports, videos, photographs, and the recorded statement of the defendant. All of this discovery has been produced directly to counsel and/or made available for inspection. Further,

1 the government has conveyed a plea agreement to the defendant.

2 b) Counsel for defendant desires additional time to review discovery, conduct
3 investigation and research related to the charges, conduct research into any mitigating factors,
4 consult with his client, review the plea agreement, and to otherwise prepare for trial.

5 c) Defendant was diagnosed with Acute Myeloid Leukemia on April 1, 2021.
6 Defendant underwent chemotherapy from July 29, 2022 to October 2, 2022. Defendant
7 subsequently underwent surgery due to complications. Defendant began Consolidation (high
8 dose) Chemotherapy on November 29, 2022, and underwent a “full-intensity, bone-marrow
9 transplant” in January, 2023. Recovery from this procedure concluded in May 2023. The
10 defendant was not available to defense counsel for preparation or discussions.

11 d) Counsel for defendant believes that failure to grant the above-requested
12 continuance would deny him the reasonable time necessary for effective preparation, taking into
13 account the exercise of due diligence.

14 e) The government does not object to the continuance.

15 f) Based on the above-stated findings, the ends of justice served by continuing the
16 case as requested outweigh the interest of the public and the defendant in a trial within the
17 original date prescribed by the Speedy Trial Act.

18 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
19 et seq., within which trial must commence, the time period of June 14, 2023 to October 25, 2023,
20 at 1:00 p.m., inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
21 Code T4] because it results from a continuance granted by the Court at defendant’s request on
22 the basis of the Court’s finding that the ends of justice served by taking such action outweigh the
23 best interest of the public and the defendant in a speedy trial.

24 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
25 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
26 must commence.

27 IT IS SO STIPULATED.
28

1 Dated: June 1, 2023

PHILLIP A. TALBERT
United States Attorney

3
4 /s/ ANTONIO J. PATACA
ANTONIO J. PATACA
Assistant United States Attorney

6 Dated: June 1, 2023

7 /s/ PETER JONES
PETER JONES
Counsel for Defendant
DOUGLAS GENE
HALDERMAN

10 **ORDER**

11 IT IS SO ORDERED that the status conference is continued from June 14, 2023, to **October 25,**
12 **2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to 18
13 U.S.C. § 3161(h)(7)(A), B(iv). If the parties do not resolve the case in advance of the next status
14 conference, they shall be prepared to set a trial date at the status conference hearing.

15
16 IT IS SO ORDERED.

17 Dated: **June 2, 2023**

18 /s/ *Barbara A. McAuliffe*
19 UNITED STATES MAGISTRATE JUDGE